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February 5, 2020

The Honorable Judge Jesse M. Furman
United States Courthouse
40 Centre Street, Room 2202
New York, NY 10007-1312

Re: 1:19-cv-03922-JMF, Malibu Media, LLC v. John Doe, Subscriber ID 100.12.193.215- Plaintiff's Second Motion to Extend the Deadline to File Joint Discovery/Case Management Plan and Request for Adjournment of the Initial Pretrial Conference Set for February 11, 2020 at 3:15 p.m.

Dear Judge Furman:

Plaintiff, Malibu Media, LLC, moves for entry of an order extending the time within which Plaintiff has to file a Joint Discovery/ Case Management Plan currently set for February 6, 2020 and adjourn the Initial Pretrial Conference on February 11, 2020, and states:

1. Plaintiff filed a complaint against the Internet subscriber assigned IP address 100.12.193.215 (“Defendant”) alleging that Defendant copied and distributed one or more of Plaintiff’s copyrighted works. *See* CM/ECF 1.
2. Since Defendant was only known to Plaintiff by Defendant’s IP address, in order to obtain Defendant’s true identity, Plaintiff filed a Motion for Leave to Serve a Third-Party Subpoena on the Defendant’s Internet Service Provider seeking Defendant’s identity [CM/ECF 7].
3. On May 24, 2019, Plaintiff was granted leave to serve a third-party subpoena on

Defendant's ISP, Verizon to obtain the Defendant's identifying information [CM/ECF 13]. Plaintiff issued the Subpoena May 25, 2019 and received the ISP's response on or about October 10, 2019.

4. Pursuant to the Court's Protective Order, Plaintiff is barred from disclosing Defendant's name in any filing. As such, prior to amending the Complaint, Plaintiff filed a Motion for Leave to File Amended Complaint, Summons, and Return of Service Under Seal [CM/ECF 16]. On November 26, 2019 this Court granted Plaintiff's Motion to File its Amended Complaint and Summons Under Seal [CM/ECF 18].

5. On December 6, 2019, Plaintiff filed its Redacted Amended Complaint to name the Defendant [CM/ECF 18] and requested that the Clerk issue a summons as to the Defendant.

6. Upon receipt of the issued summons, Plaintiff sent the Amended Complaint and summons to its process server. After multiple unsuccessful service attempts, Plaintiff filed its Motion Seeking Leave to Serve Defendant by Alternate Means which was Granted on January 27, 2020 [CM/ECF 23]. On February 4, 2020, Plaintiff was notified by its process server that, service was effectuated by posting the pleadings outside Defendant's Last Known Address and by mailing a copy of the pleadings via USPS Certified Mail.

7. Pursuant to the Court's Order, an initial Conference is set for February 11, 2020 at 3:15 PM. The parties are due to meet, prepare, and file a proposed Joint Discovery Case Management Plan by February 6, 2020. However, because Defendant was just recently served with process, Plaintiff has not yet served its initial disclosures or been able to discuss discovery deadlines with Defendant.

8. For the foregoing reasons, Plaintiff respectfully requests an adjournment of the Initial Pretrial Conference until after Defendant has had the opportunity to retain counsel, and

thereafter for the parties to serve its initial disclosures and confer regarding discovery deadlines.

9. This motion is made in good faith and not for the purpose of undue delay.
10. The parties will not be prejudiced by the granting of this extension.
11. This is the Second request for an adjournment.

WHEREFORE, Plaintiff respectfully requests an adjournment of the Initial Pretrial Conference set for February 11, 2020 and an extension of the deadline to file the Joint Discovery/Case Management Plan.

Dated: February 5, 2020

Respectfully submitted,

By: /s/ Kevin T. Conway
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CERTIFICATE OF SERVICE

I hereby certify that on February 5, 2020, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF and that service was perfected on all counsel of record and interested parties through this system.

By: /s/ Kevin T. Conway

Application GRANTED. The initial pretrial conference currently scheduled for February 11, 2020, is hereby ADJOURNED to **March 10, 2020, at 3:00 p.m.** The Clerk of Court is directed to terminate ECF No. 27. SO ORDERED.



February 6, 2020